

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

SHANDELL C. ALLEN and  
GREG ALLEN,

Plaintiffs,

**V.**

UNITED STATES OF AMERICA,

**Defendant.**

Civil Action No. 2:16-cv-52

## COMPLAINT

**COME NOW**, Shandell C. Allen and Greg Allen, Plaintiffs in the above-styled action, and files their Complaint against Defendant United States of America and show the Court the following:

## **I. PARTIES, JURISDICTION AND VENUE**

1. Plaintiffs file this suit for damages asserting claims against the United States of America, pursuant to the Federal Tort Claims Act, 28 U.S.C.S. § 2671 et. Seq., arising out of a motor vehicle collision which occurred on October 20, 2014 wherein Edward Rodney Baxter, an employee of the United States, who was acting in the course and scope of his employment with the United States Postal Service, failed to yield the right of way and struck the vehicle being operated by Plaintiff Shandell C. Allen, in Waycross, Georgia.
2. Pursuant to Fed. R. Civ. P. 4(i)(1), Defendant United States of America may be served with process through the United States Attorney for the Southern District of Georgia and by sending a copy of the summons and complaint by registered or

certified mail to the United States Attorney General at 950 Pennsylvania Avenue Northwest, Washington, District of Columbia 20530.

3. Edward Rodney Baxter is a domiciliary, citizen, and resident of Baxley, Georgia and can be personally served with process at his residence at 7026 Satilla Church Road, Baxley, Georgia 31513.
4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C.S. § 1346(b).
5. Plaintiffs reside in Ware County, Georgia and the events giving rise to this suit occurred within the Brunswick Division of the Southern District of Georgia. This Court is the proper venue for this case pursuant to 28 U.S.C.S. § 1402(b).
6. Prior to the filing of this suit, Plaintiffs have notified Defendant of their claims in proper and timely manner pursuant to the Federal Tort Claims Act, 28 U.S.C.S. § 2671 *et seq.*, and have exhausted all administrative remedies or conditions precedent to filing suit, in accordance with 26 U.S.C.S. § 2675.

## **II. FACTUAL ALLEGATIONS**

7. Plaintiffs renew and reaffirm each and every allegation set forth in paragraphs 1 through 6 above.
8. On October 20, 2014, Defendant's employee, Edward Rodney Baxter, acting in the course and scope of his employment with the United States Postal Service, failed to yield to the right of way and struck the vehicle being operated by Plaintiff Shandell C. Allen.
9. Plaintiff was in no way negligent or caused said accident.
10. As a result of Defendant's employee's actions, Plaintiff Shandell C. Allen has

sustained serious and and substantial injuries, including but not limited to past, present and future medical bills, past and future physical and mental pain and suffering, permanent impairment, and past and future lost wages.

### **III. CAUSES OF ACTION**

#### *First Cause of Action – Negligence*

11. Plaintiffs renew and reaffirm each and every allegation set forth in Paragraphs 1 through 10 above.
12. Defendant's employee, Edward Rodney Baxter, had a legal duty to obey all traffic laws while operating a motor vehicle on the roads of the State of Georgia.
13. Defendant's employee, Edward Rodney Baxter, had a legal duty to exercise reasonable care while operating a motor vehicle on the roads of the State of Georgia so as to avoid causing injury to others.
14. Defendant's employee, Edward Rodney Baxter, breached his legal duties by, failing to yield to the right-of-way and striking Plaintiff Shandell C. Allen's vehicle.
15. The negligence of Defendant's employee, Edward Rodney Baxter, was the proximate cause of the incident and the injuries and damages sustained by Plaintiffs.

#### *Second Cause of Action- Loss of Consortium*

16. Plaintiffs renew and reaffirm each and every allegation set forth in Paragraphs 1 through 15 above.
17. As a direct and proximate result of the negligence of Defendant's employee, Edward Rodney Baxter, as set forth above, the Plaintiff Greg Allen, as husband of

Plaintiff, Shandell C. Allen, has suffered consequential damages and has been deprived of his wife's full society, care, comfort, companionship, and has otherwise suffered a loss of consortium.

#### **IV. DAMAGES**

18. Plaintiffs renew and reaffirm each and every allegation set forth in Paragraphs 1 through 17 above.
19. As a result of the aforesaid acts and/or omissions of Defendant's employee, Edward Rodney Baxter, Plaintiff Shandell C. Allen has suffered and will suffer damages, including, but not limited to medical expenses, pain and suffering, permanent disability and lost wages.
20. As a result of the aforesaid acts and/or omissions of Defendant's employee, Plaintiff, Greg Allen, has suffered and will suffer damages, including the deprivation of his wife's full society, care, comfort, companionship, and otherwise a loss of consortium.
21. Said damages were directly, proximately, and solely caused by Defendant's employee's actions.
22. Plaintiffs are entitled to recover said damages.

WHEREFORE, Plaintiffs pray as follows:

- (A) That service be perfected upon Defendant as provided by law;
- (B) That Plaintiffs have judgment against Defendant in an amount to be proven and as determined by the enlightened conscience of a fair and impartial jury; and
- (C) For such other and further relief as the Court deems just and proper.

This 12th day of April, 2016.

/s/ Ashleigh R. Madison  
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